Serial No. 10/765,491

REMARKS

Claims 1-13, 38-39, 49-50 and 51-56 are pending in the present application. Claims 1, 9, 10, 38 and 49 were amended. Claims 14-37 and 40-48 have been cancelled. Applicant reserves the right to file Divisional applications on the previously withdrawn and non-elected claims. Reconsideration of the claims is respectfully requested.

Claims 1-8, 11, 13, 49 and 51-54 were rejected under 35 USC 103(a) as being over Stumphauzer, II (US' 2003/0014767) in view of Hendricks (US 6,201,536) and further in view of Shah-Nazaroff (2002/053077). Claims 9, 10 and 12 were rejected as being unpatentable over Stumphauzer, II, in view of Hendricks, Shah-Nazaroff and Connelly (2002/0194585). Claim 38 was rejected over Stumphauzer, Hendricks in further view of Barrett (US 6,005,597). Claim 39 is rejected Stumphauzer, Hendricks in further view of Barrett and further in view of Shah-Nazaroff. Claim 55 was rejected over Stumphauzer, Hendricks, Shah-Nazaroff and further in view of Durden (US 2004/0250272).

Claims 1 and 49 are drawn to an interactive entertainment system and method respectively for retrieving a preferred entertainment file from among a plurality of streaming files based on the user rating information and directing the entertainment file to a user output device that plays the streaming file. A user input device enables a user to provide real time feedback regarding the entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming.

In Stumphauzer, the user logs on to a website and creates a virtual playlist specifying the desired selections, which is then stored on the server hosting the website or a portable storage medium or both. As shown in Fig. 6, step 6030 and described in paragraph [0038], the user creates new playlists and edits the current playlist including the selections, their respective ranks, if any, and interrupt permission, if any via the website. The playlist is subsequently transferred to the user's receiver. Stumphauzer clear teaches a 'web-based' approach controlled by the server for a user to log on from a computer terminal to create and modify the playlist. There is no suggestion to provide capability at the user site or receiver for real-time user feedback on the currently streaming file. In fact such a configuration is not amenable for use with receiver implementations explicitly contemplated by Stumphauzer. At paragraph [0017], Stumphauzer recites that the receiver can be located in any type of radio or other apparatus, can be located in various modes of transportation or located in portable radios.

8

Serial No. 10/765,491

Although each of these receiver configuration can receive broadcast signals, none of them are described as having the capability to transmit signals back to the server and some of them are arguably incapable, as typically configured, of such transmission. For example, Applicant is not aware of any 'boom box' or 'clock radio' that is capable of transmitting information. Stumphauzer has configured his system for uni-directional communication to reach a broad base of receiver configurations. It would not be obvious to modify the system in such a manner as would limit this capability.

Regarding Hendricks, Hendricks teaches storing entertainment files and "program watched data, demographics data, and/or other data" in the network management databases **262**. First, this "program watched data, demographics data, and/or other data" is not "user rating information" for specific entertainment files. This information is general information regarding previously watched programming, demographic data of the user etc. This data is used to target an individual subscriber with a specific advertisement for display. The user has not "rated" the advertisements according to his or her preference on which advertisement they would like to see. Furthermore, this data is not streamed back to the user for selecting a preferred streaming advertisement and the user does not provide real-time feedback on the advertisement. Hendricks cannot be combined with Stumphauzer to teach storing "user rating information for a plurality of entertainment files on a server database" in the context claimed.

Regarding Shah-Nazaroff, his method is directed at providing viewer feedback to a broadcast, generating rating for the broadcast based at least in part on viewer feedback and providing the rating to the potential subsequent viewers and programming providers. This approach is different in a few meaningful ways. First, as claimed the user provides real-time feedback regarding the user rating of the streaming entertainment file. In Shah-Nazaroff the user answers a questionnaire to provide information, which in part contributes to a general rating of the program. Second, as claimed the user rating information is unique to each individual user. Shah-Nazaroff aggregates the questionnaire responses from many viewers (See Fig. 5 "5.282 responses") to generate the general rating. Lastly, as claimed the user feedback directly updates the user rating information stored on the server database for subsequent streaming. Shah-Nazaroff does not update specific user rating information.

Accordingly, the combination of Stumphauzer, Hendricks and Shah-Nazaroff does not teach the use of a user input device to provide real time feedback regarding the user rating of

9

Serial No. 10/765,491

said entertainment files that is transmitted to the communication center via a second communication network to update the user rating information stored on the system database for retrieval during subsequent streaming. Applicant respectfully requests that the rejection of claims 1-13 and 49-56 be withdrawn and a notice of allowance issued.

   In claims 38 and 55, if the user actively blocks the current streaming entertainment file and none of the other streaming files have a higher rating, the receiver selects the next highest entertainment file 'having a rating equal to or less than the current entertainment file.' As a result of the user block, the receiver actually selects a lower rated (next highest) entertainment file. Durden describes a method controlling programming content using program data for discrete portions of a program. For example, instead of an "all or nothing" parental block of certain programming depending on the overall 'rating', certain scenes can be selectively deleted, blocked, edited or replaced with a substitute scene. Durden is addressing a different problem in a different way than what is claimed by the Applicant. First, in Durden the "ratings" correspond to the classic movie rating system such as PG, PG-13, R and X as shown in Figure 6. The user (parent) selects what ratings or content category (sexual situations, language, violence or nudity) he or she wishes to block but is not assigning specific user rating information to individual entertainment files. Second, in Durden the <u>receiver</u> blocks a certain scene based on the user profile whereas in the claimed invention the user uses the input device to block the streaming entertainment file. Third, as claimed once the user blocks the current file, our approach first looks to select a more highly rated entertainment file. The existence of such a file and which specific file that is will depend on what is currently streaming. Conversely, Durden specifies the alternate audio or video stream/channel in the profile. Lastly, this alternate audio or video channel/stream does not have a rating lower than that of the blocked content. First, lower and higher as indicative of specific user preference has no meaning in a classic movie rating system; PG, PG-13, R and X indicate different categories of movies. A user may prefer some R movies over some PG-13 movies and vice-versa. Second, if anything, the alternate channel/stream is more preferred not less to the user parent that is forcing it to be substituted for the inappropriate content. Applicant respectfully requests that the rejection of claims 38-39 and 55 as dependent form claim 1 be withdrawn and a notice of allowance issued.
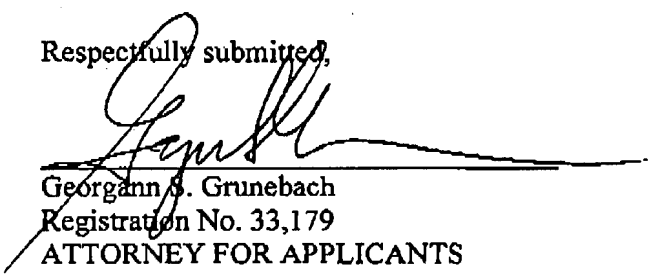
Serial No. 10/765,491

Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Should any fees be associated with this submission, the Commissioner is authorized to charge Deposit Account 50-0383.

Respectfully submitted,

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11